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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,619	08/05/2003	Joseph Stellbrink	200205881-1	5373

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FORT COLLINS, CO 80527-2400

EXAMINER

HSIEH, SHIH WEN

ART UNIT	PAPER NUMBER
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2861

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/633,619

Applicant(s)

STELLBRINK ET AL.

Examiner

Shih-wen Hsieh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-53 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8-5-03; 1-24-05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This application is in condition for allowance except for the following formal matters:

Claim Objections

2. Claims 4, 11, 29 and 35 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. In this application:

Claim 4 depends on claim 3, however, the recitation of claim 4 is the same as that in claim 3. Or claim 4 fails to further limit the subject matter of a previous claim (i.e., claim 3).

Claim 11 depends directly on claim 9, however, the recitation of claim 11 is the same as that in claim 9.

Claim 29 depends on claim 28, however, the recitation of claim 29 is the same as that in claim 28.

Claim 35 depends on claim 33, however, the recitation of claim 35 is the same as that in claim 33.

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3. Claims 9-11, 19, 21, 33-35 and 43 are objected to because of the following informalities:

In regard to:

Claims 9-11 and 33-35:

Recommend changing "the cap actuation device" into "the cap actuator".

Because "cap actuator" was used in their base claims 1 and 26 respectively.

Claims 19 and 43:

Wherein the cap actuator comprises an actuator arm that interfaces with a printer and reacts to a force imparted to the arm by the printer to move the cap from the inkjet cartridge. The underlined portion in these two claims seems not proper. Because the cap actuator as claim 1/claim 26 recited is: when actuated, moves the cap from a position where the cap does not interface with the inkjet cartridge to a position where the cap interfaces with the inkjet cartridge sealingly covering the nozzles. Or, in another words, the cap actuator is not used to move the cap from the inkjet cartridge. To move the cap from the inkjet cartridge seems to mean a movement between the cap and the inkjet cartridge, which seems has nothing to do with the function of the cap actuator.

Please amend appropriately.

Claim 21:

Please delete the extra "jet" in line 3, so the recitation will read "inkjet cartridge" not "inkjet jet cartridge".

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

4. Claims 1-53 are allowed.

5. The following is an examiner's statement of reasons for allowance:

In regard to:

Claims 1-23 and 26-51:

The primary reason for the allowance of claims 1-23 and 26-51 is the inclusion of the limitation of a cap actuator that, when actuated, moves the cap from a position where the cap does not interface with the inkjet cartridge to a position where the cap interfaces with the inkjet cartridge sealingly covering the nozzles. It is this limitation found in each of the claims, as they are claimed in the combination that has not been found, taught or suggested by the prior art of record, which makes these claims allowable over the prior.

Claims 24-25 and 52-53:

The primary reason for the allowance of claims 24-25 and 52-53 is the inclusion of the method step of attaching the cap actuator with the cap to the inkjet cartridge holding device such that, when actuated, the cap actuator moves the cap from a position where the cap does not interface with the inkjet cartridge to a position where

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the cap interfaces with the inkjet cartridge sealingly covering the nozzles. It is this step found in each of the claims, as they are claimed in the combination that has not been found, taught or suggested by the prior art of record, which makes these claims allowable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6,523,933 B1, "Media cartridge and image recording apparatus with detachably mountable media cartridge" issued to Hirano et al., 2/2003 teaches in their invention that a media cartridge (100, figs. 1 and 5) containing printing media (1, figs. 7 and 8), ink bag (109, fig. 1), expose portion (106), which has a cap (150, fig. 6). A carrier (11, fig. 1) is used to carry a recording head (12, figs. 1 and 2 with ink tank chambers 126, 127, 128 and 129 and nozzles 120). Hirano et al. neither specifically teach a cap actuator used to attach the cap nor how is the way the cap is used to cover the cartridge (or the nozzles). Hirano et al.'s fig. 11B looks like the cap (150) covers the recording head, however, that covering is due to the bending of the guide wire (5) in an

ink replenish operation. The cap actuator as recited in this instant application and also as generally seen in the prior art is not disclosed in Hirano et al.'s invention.

US 6,050,672, "Cartridge for ink jet printer and ink jet printer" issued to Matsushita, 4/2000 teaches a tape cartridge (2) containing tape (T), which is conveyed by rollers (101 and 115), the roller (115) protrudes from a feed window (123) opened at a hollow square case (111) of the tape cartridge (2), the tape cartridge is inserted from a rear of an ink jet printer (1, fig. 1), an ink cartridge (41) is disposed opposite to the tape cartridge, in between the tape cartridge and the ink cartridge is a print head (16). A cap (81), and head drive mechanism (82) are disclosed in figs. 5 and 6. However, these two devices are disposed in the ink jet printer (1) in section (17, figs. 1, 3 and 5), and are not a part of the inkjet cartridge.

US 6,270,182 and US 6,416,160 disclosed in the IDS dated Aug. 5, 2003 are similar inventions to the instant application. However, the capping mechanisms in these two inventions are not a part of the inkjet cartridge as the instant application disclosed.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shih-wen Hsieh whose telephone number is 571-272-2256. The examiner can normally be reached on 7:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Talbott can be reached on 571-272-1934. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

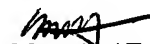
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SHIH-WEN HSIEH
PRIMARY EXAMINER


Shih-wen Hsieh
Primary Examiner
Art Unit 2861

SWH


March 17, 2005